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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,400	03/28/2001	Tsutomu Kawano	01180/LH	3804
1933	7590	02/01/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			KIM, CHONG R	
767 THIRD AVENUE			ART UNIT	
25TH FLOOR			PAPER NUMBER	
NEW YORK, NY 10017-2023			2623	

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/819,400

Applicant(s)

KAWANO, TSUTOMU

Examiner

Charles Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 39-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment and Arguments***

1. Applicant's amendment filed on September 20, 2004 has been entered and made of record.
2. In view of applicant's amendment, the claim objections are withdrawn.
3. In view of applicant's amendment, the 112 second paragraph rejections are withdrawn.
4. Applicant's arguments with respect to claims 39-48 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 39-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Godlewski et al., U.S. Patent No. 5,270,530 ("Godlewski") and Gaborski, U.S. Patent No. 5,943,435 ("Gaborski").

Referring to claim 1, Godlewski discloses an image processing apparatus, comprising:

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- a. radiation image forming means for detecting a radiation amount transmitted through an object and forming image data of a radiation image corresponding to the detected radiation amount (col. 3, lines 58-67 and col. 4, lines 16-21);
- b. discriminating means for discriminating at least one of a body part of the object and a radiographing orientation (position of patient) for a radiation image formed by the radiation image forming means (col. 4, lines 24-28);
- c. image processing condition memorizing means for memorizing each of a plurality of image processing conditions corresponding to each body part of an object (col. 11, lines 37-40 and figures 27-28);
- d. display means for displaying a plurality of image processing conditions (figure 14);
- e. image processing condition selecting means for selecting an arbitrary image processing condition from the plurality image processing conditions displayed on the display means (col. 10, lines 52-58 and figure 14); and
- f. image processing means for applying image processing to a radiation image on the basis of the selected image processing condition (col. 10, lines 10-43);
- g. wherein the image processing condition selecting means reads out a plurality image processing conditions from the processing condition memorizing means (figures 27-28) on the basis of a discrimination result obtained by the discriminating means and controls the display means to display the plurality of image processing conditions (figure 14) and the image processing condition selecting means accepts a selection of an arbitrary image processing condition from the displayed image processing conditions (col. 10, lines 44-63).

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Godlewski does not explicitly disclose that the discriminating means discriminates the body part of the object by processing the image data of the radiation means (Instead, the information indicating the body part of the object is inserted manually, see col. 4, lines 24-28) . However, this feature was exceedingly well known in the art. For example, Gaborski discloses a discriminating means for discriminating at least one of a body part of an object by processing image data of a radiation means (col. 2, lines 15-43).

Godlewski and Gaborski are combinable because they are both concerned with radiographic imaging systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the discriminating means of Godlewski so that the body part of the object is discriminated by processing the image data of the radiation means, as taught by Gaborski. The suggestion/motivation for doing so would have been to eliminate the need for a user to manually insert body part information into the system, thereby enhancing the efficiency of the radiographic imaging system (Gaborski, col. 2, lines 37-43). Therefore, it would have been obvious to combine Godlewski with Gaborski to obtain the invention as specified in claim 39.

Referring to claim 40, the claims use of “or” between two limitations requires the prior art to meet either one of the limitations. In this case, Godlewski further discloses that the image processing condition selecting means comprises an image display means (figure 14), and the image processing means applies image processing to the radiation image and produces a processed image for one image processing condition read out from the image processing condition memorizing means on the basis of the discrimination result of the discrimination means (col. 10, lines 10-63), and the image processing condition selecting means displays the

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processed image on the image display means together with the image processing conditions applied to the processed image (figure 14. Note that the right portion of the screen in figure 14 displays the processed image and the left portion displays the image processing conditions).

Referring to claim 41, Godlewski further discloses that the image processing condition selecting means displays an image process name to specify the image processing condition (figure 14).

Referring to claim 42, Godlewski fails to explicitly disclose that the image process name is indicated by a radiographed body part of an object. However, Godlewski explains that the radiographed body part of the object is displayed along with the image (figure 8). Godlewski further explains that the image processing is determined according to the body part of the object (col. 10, lines 44-45). Note that the image processing condition and the body part of the object are corresponding features. Therefore, it would have been obvious to modify the image process name so that it is indicated by a radiographed body part of an object. The suggestion/motivation for doing so would have been to provide the user with an indicator that clearly represents the radiation image, thereby allowing the user to verify examination information (col. 8, line 62-col. 9, line 5).

Furthermore, the Examiner notes that the "image process name" is not considered a patentable feature, since it merely describes an image and the processing conditions associated with that image. Therefore, the specific "image process name" would have been arbitrarily chosen by a user during experimentation to meet his/her specific requirements.

Referring to claim 43, Godlewski further discloses that the image processing condition selecting means displays presence information of an image rotation (rotate right, rotate left) and

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presence information of image inversion (flip vertical, flip horizontal) with regard to the selected image processing condition (figure 13).

Referring to claim 44, see the rejection of at least claim 39 above.

Referring to claim 45, see the rejection of at least claim 40 above.

Referring to claim 46, see the rejection of at least claim 41 above.


Referring to claim 47, see the rejection of at least claim 42 above.

Referring to claim 48, see the rejection of at least claim 43 above.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

  
Jon Chang  
Primary Examiner

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kim whose telephone number is 703-306-4038. The examiner can normally be reached on Mon thru Thurs 8:30am to 6pm and alternating Fri 9:30am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ck

January 27, 2005

  
Jon Chang  
Primary Examiner